

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

OCT 16 2008

DAVID J. MALAND, CLERK
BY
DEPUTY

CASE NO. 4:08CV50

ROSA MARIA PENA,

v.

CITY OF THE COLONY, PATTI
RISTAGNO, MICHELLE FARMER, and
EMILY PALMER

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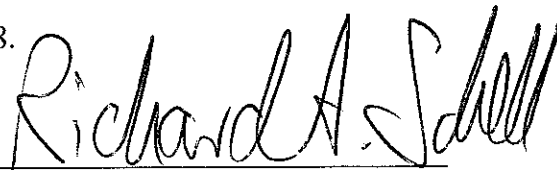
MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On September 16, 2008, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Individual Defendants Patti Ristagno, Michelle Farmer and Emily Palmer's Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim (Dkt. 9) be GRANTED.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Individual Defendants Patti Ristagno, Michelle Farmer and Emily Palmer's Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim (Dkt. 9) is GRANTED, and the claims against the individual defendants are dismissed. The claims against the City of ^{The} Colony remain.

IT IS SO ORDERED.

SIGNED this 15th day of Oct, 2008.


RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE